

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

MARRICCO A. SYKES,)	
)	
Plaintiff,)	
v.)	No. 2:11-cv-185-JMS-MJD
)	
)	
MR. ELLIOT, et al.,)	
)	
Defendants.)	

Entry Dismissing Complaint and Directing Further Proceedings

Plaintiff Marricco A. Sykes, an inmate at the United States Penitentiary in Lewisburg, Pennsylvania, filed this civil action, apparently based on events which occurred while Sykes was an inmate at the United States Penitentiary in Terre Haute, Indiana.

I. The Complaint is Dismissed

A District courts should not have to read and decipher tomes disguised as pleadings. *Lindell v. Houser*, 442 F.3d 1033, 1035 n.1 (7th Cir. 2006). That, however, is precisely what Sykes has presented. His handwritten complaint defies understanding, rendering it unintelligible and subject to dismissal on that basis. *Davis v. Ruby Foods, Inc.*, 269 F.3d 818, 820 (7th Cir. 2001) ("dismissal of a complaint on the ground that it is unintelligible is unexceptionable").

The *Federal Rules of Civil Procedure* and Rule 8(a)(2) in particular require that pleadings contain "a short and plain statement of the claim showing that the pleader is entitled to relief" The purpose of this requirement is to give the defendant fair notice of what the claim is and the grounds upon which it rests. *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (citing *Conley v. Gibson*, 355 U.S. 41, 47 (1957)); see also *Wade v. Hopper*, 993 F.2d 1246, 1249 (7th Cir. 1993) (noting that the main purpose of Rule 8 is rooted in fair notice: a complaint must be presented with intelligibility sufficient for a court or opposing party to understand whether a valid claim is alleged and if so what it is.) (quotation omitted).

The complaint is **dismissed** based on the violation of Rule 8.

II. An Amended Complaint May Be Filed

The dismissal of the complaint will not in this instance result in the dismissal of the action. *Benjamin v. United States*, 833 F.2d 669, 671 (7th Cir. 1987). Instead, the plaintiff shall have **through November 8, 2011**, in which to **file an amended complaint**.

If an amended complaint is filed, it shall conform to the following guidelines:

- ! The amended complaint shall comply with the requirement of Rule 8(a)(2) that pleadings contain "a short and plain statement of the claim showing that the pleader is entitled to relief. . .";
- ! The amended complaint shall comply with the requirement of Rule 10 that the allegations in a complaint be made in numbered paragraphs, each of which should recite, as far as practicable, only a single set of circumstances; and
- ! The amended complaint must identify what legal injury he claims to have suffered and what persons are responsible for each such legal injury.

III. Further Proceedings

If no amended complaint is filed as permitted in Part II of this Entry, the action will be dismissed consistent with the dismissal of the complaint in Part I.

If an amended complaint is filed as permitted in Part II of this Entry, that pleading will be Ascreened® as required by 28 U.S.C. ' 1915A(b) and an appropriate order will issue following the completion of that step.

Proceedings other than as specified above are **stayed** until the amended complaint is filed.

IV. Pending Motions

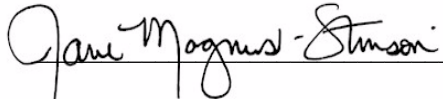
Sykes has filed four motions:

- Motion to amend brief, motion for injunction, motion requesting subpoena [5].
- Motion to accept declaratory statement [6].
- Motion for examination, motion for injunction and motion for appointment of counsel [7]
- Motion for inspection, motion requesting court to relate inspected documents, motion requesting court for summons and motion for Entry [8].

Each of these motions [5-8] is **denied as premature**. As discussed above, the complaint in this action has been dismissed and the court is awaiting the plaintiff's filing of an amended complaint which complies with the *Federal Rules of Civil Procedure*.

IT IS SO ORDERED.

Date: 10/11/2011

A handwritten signature in black ink, reading "Jane Magnus-Stinson", written over a horizontal line.

Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

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